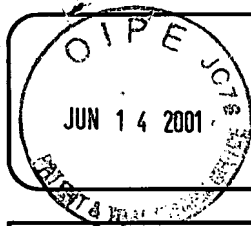


Please type a plus sign (+) inside this box → ☐

06-15-01  
CPA/372975  
PTO/SB/29 (12/97) (modified)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:

☐ **DUPLICATE**

**ADDRESS TO:**

**Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231**

Attorney Docket No.	435712000920
First Named Inventor	Christopher J. DANEK
Express Mail Label No.	EL56925367US
Total Pages	12 (w/9 references)

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number **09/296,040**,  
filed on **April 21, 1999**, entitled **MODIFICATION OF AIRWAYS BY APPLICATION OF ENERGY**.

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either:  
(1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with  
35 U.S.C. 371.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be  
filed under CFR 37 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior  
application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or  
continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the  
applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR  
1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or  
similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the  
specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be  
entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the  
application number identified in such request, 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on \* under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary Response is enclosed - 3 pages.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

.....  
.....

- ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

- ☒ Information Disclosure Statement (IDS) is enclosed: - 3 pages

- ☒ PTO-1449 (w/copy) - 2 pages
- ☒ Copies of IDS Citations - 9 references

**RECEIVED**

**JUN 18 2001**

**TECHNOLOGY CENTER R3700**

06/18/2001 GTEFFERA 00000106 031952 09296040

01 FC:231  
02 FC:203

355.00 CH  
306.00 CH

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	54-20 =	34	X \$18.00 =	\$612
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2-3 =	0	X \$80.00 =	\$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$270.00 =	\$0
				BASIC FEE (37 CFR 1.16(a))	\$710.00
	Total of above Calculations =				\$1,322
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				\$661
	TOTAL =				\$661

6.\* Small entity status:

- a. ☐ A small entity statement is enclosed.
- b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
**Deposit Account No. 03-1952** referencing attorney docket no. 435712000920:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.

8.\* ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

9.\* ☒ Other: Fee Transmittal (w/copy) - 2 pages: Return Receipt Postcard.

**NOTE:**

*The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.*

**10. NEW CORRESPONDENCE ADDRESS**

Richard R. Batt  
Registration No. 43,485

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5616  
Facsimile: (650) 494-0792

Dated: June 14, 2001

Respectfully submitted,

By: \_\_\_\_\_

Richard R. Batt

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL56925367US

Date of Deposit: June 14, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Veregas